

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN**

WISCONSIN ELECTRIC POWER COMPANY,

Plaintiff,

v.

Case No. 06-C-0515

UNION PACIFIC RAILROAD COMPANY,

Defendant.

**PLAINTIFF WISCONSIN ELECTRIC POWER COMPANY'S MOTION TO
EXCLUDE TESTIMONY PROVIDED BY DEFENDANT
UNION PACIFIC RAILROAD COMPANY'S EXPERT WITNESSES**

Plaintiff Wisconsin Electric Power Company ("WEPCO") hereby moves the Court to exclude certain proffered testimony of Defendants' expert witnesses, Mr. Thomas Haley, Mr. Michael Baranowski and Mr. Michael Lenzen. As grounds for this motion, WEPCO avers that such testimony fails to meet the standards of relevancy and reliability applicable to expert testimony under the Federal Rules of Evidence, as interpreted and applied in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) ("*Daubert*") and its progeny. This motion is supported by a brief and the affidavit of Attorney Shannon A. Allen.

Dated at Milwaukee, Wisconsin this 4th day of April 2008.

**ATTORNEYS FOR PLAINTIFF,
WISCONSIN ELECTRIC POWER COMPANY**

/s/ Shannon A. Allen

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